

Chief Judge Ricardo S. Martinez

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff,
v.
BARBARA P. CARRENO ORTEGA,
Defendant.

NO. CR20-120RSM
ORDER CONTINUING TRIAL

This matter comes before the Court on the stipulated motion of the government and the Defendants arraigned to date (as noted in the motion) to continue the trial in this matter, and to set a new pretrial motion cutoff consistent with that new trial date. Having considered the motion, any responses and objections, and all the files and records herein, the Court finds and rules as follows:

The facts supporting continuing the trial and excluding the consequent delay are set forth in the Stipulated Motion to Continue, incorporated by this reference, and include the following: (a) the number of defendants charged; (b) the already large number of charged counts; (c) the nature of the prosecution, which includes a long-running investigation into a complex multi-state and multi-national money laundering scheme; and (d) the extensive volume of discovery produced, and still to be produced, including extensive financial records.

1 THIS COURT FINDS, pursuant to Title 18, United States Code, Section
 2 3161(h)(7)(B)(i) and (ii) that this case is the case is sufficiently unusual and complex, due
 3 the combination of the number of defendants, the nature of the prosecution, as well as the
 4 existence of novel questions of fact, that it is unreasonable to expect adequate preparation
 5 by the parties for pretrial proceedings or for the trial itself by the current trial date, or for
 6 the immediate future.

7 THE COURT THEREFORE FINDS that failure to grant the continuance in this
 8 case would likely make the continuation of these related proceedings impossible and
 9 result in a miscarriage of justice, because failing to continue this matter for a considerable
 10 period of time would deny counsel for the parties the reasonable time necessary for
 11 effective preparation, due to defense counsels' need for more time to review the
 12 considerable volume of discovery and evidence produced, and still to be produced, and to
 13 consider possible defenses and motions, taking into account the exercise of due diligence.

14 THE COURT FINDS, in light of these factors, that it is unlikely that the parties
 15 can be reasonably ready to try this matter before January of 2022, at the earliest.

16 THIS COURT FINDS, pursuant to Title 18, United States Code, Section
 17 3161(h)(6) and (7), that this is a reasonable period of delay in that the defendants have
 18 indicated they require more time to prepare for trial. The Court finds that given the
 19 complexity of the case, the number of defendants, and the volume of discovery produced,
 20 and still to be produced, that more time is, in fact, necessary.

21 THIS COURT FINDS, therefore, that pursuant to Title 18, United States Code,
 22 Sections 3161(h)(6) and 3161(h)(7), the ends of justice will best be served by a
 23 continuance, and that they outweigh the interests of the public and the defendants in a
 24 speedy trial. While three defendants have indicated that they object to a lengthier
 25 continuance, even they admit that some continuance is likely necessary and appropriate.

26 THIS COURT FURTHER FINDS that all of the additional time requested
 27 between the current trial date of and the new trial date of January 23, 2023, is necessary
 28 to provide counsel for the defendants the reasonable time necessary to prepare for trial.

1 THE COURT FURTHER FINDS that while additional defendants have yet to
2 appear, those defendants will almost certainly need additional time to prepare for trial as
3 well. In any event, it is well established that in multi-defendant cases, a reasonable trial
4 continuance as to any defendant tolls the Speedy Trial Act period as to all joined co-
5 defendants, even those who object to a trial continuance or who refuse to submit a waiver
6 under the Speedy Trial Act. *See* 18 U.S.C. § 3161(h)(6).

7 NOW, THEREFORE, IT IS HEREBY ORDERED that the trial date will be
8 continued as to all Defendants in all of the related cases captioned above until January 23,
9 2023 at 9:00 a.m.

10 IT IS HEREBY ORDERED, that pretrial motions will be filed no later than
11 December 1, 2022.

12 IT IS HEREBY ORDERED that stipulating defendants shall file speedy trial
13 waivers no later than March 31, 2022, to the extent they have not already done so.

14 IT IS FURTHER ORDERED that the time between this date and the new trial date
15 is excluded in computing the time within which a trial must be held pursuant to Title 18,
16 United States Code, Section 3161, et seq.

17 DATED this 16th day of March, 2022.

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20 RICARDO S. MARTINEZ
21 CHIEF UNITED STATES DISTRICT JUDGE

22 Presented by:
23 NICHOLAS W. BROWN
24 United States Attorney

25 /s/ Vincent T. Lombardi
26 VINCENT T. LOMBARDI
27 Assistant United States Attorney
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